

REMARKS

Reconsideration and further examination of the subject application, in view of the remarks below, are respectfully requested.

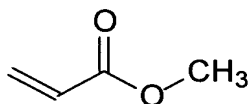
Status of Claims

Claims 1 and 22-26 are pending in the application. Each of these claims is under consideration.

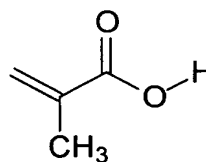
Claim Rejection - 35 U.S.C. § 112

In the Office Action, claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. For the following reasons, this rejection should be withdrawn.

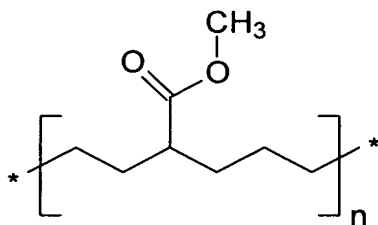
The rejection is premised on the Examiner's belief that ethylene methyl acrylate copolymer (EMAC) is the same thing as ethylene methyl acrylic acid copolymer (EMAAC). However, the two are not the same. The chemical structure of both methyl acrylate and methyl acrylic acid, and EMAC and EMAAC are shown below.



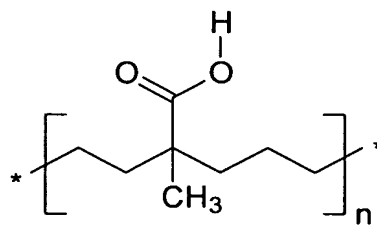
methyl acrylate



methyl acrylic acid



EMAC



EMAAC

As seen from the repeating units of EMAC and EMAAC, the two copolymers are not the same. EMAC has an ester branch, while EMAAC has a carboxylic acid branch. Accordingly, the premise is false, and the rejection should be withdrawn.

Claim Rejection - 35 U.S.C. § 102

Claims 1 and 23-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,508,771 to Peoples, Jr. et al. ("Peoples"). For the following reasons, this rejection should be withdrawn.

This rejection, like the one under § 112 above, is premised on the Examiner's belief that EMAC is the same thing as EMAAC. However, for the reasons discussed above, the two are not the same. Accordingly, the present claims are not claiming a blend of itself. Peoples, therefore, does not anticipate the present claims, and the rejection should be withdrawn.

Claim Rejection - 35 U.S.C. § 103

Claims 1 and 22-26 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Peoples in view of DOW's *Expanding the Power of Elastomers* ("Dow Document") and Ann M. Thayer, "Metallocene Catalysts Initiate New Era In Polymer Synthesis," *Chemical & Engineering News* (Sept. 11, 1995) ("Thayer"). For the following reasons, this rejection should be withdrawn.

Peoples does not disclose or suggest each feature of the present invention, as set out in representative claim 1. For example, Peoples fails to disclose or suggest using an adhesive material consisting essentially of a blend of ethylene methyl acrylate copolymer and another polymer recited in claim 1.

To remedy this deficiency, the Examiner relied on the Dow Document and Thayer. However, the combination of Peoples and the Dow Document would not have led persons skilled in the art to arrive at the claimed invention, and Peoples and Thayer cannot be properly combined, as hypothesized in the Office Action.

Even if Peoples and the Dow Document could properly be combined, the resulting combination still would not have led persons skilled in the art to arrive at the claimed invention. The present claims do not recite a combination of EMAC with an elastomer. Peoples requires an elastomer in its composition, and the Dow

Document only discloses an elastomer. Thus, even if the two could properly be combined, the combination would not have resulted in the claimed invention.

As for Thayer, it cannot be properly combined with Peoples as hypothesized in the Office Action. First, the Office Action cited Thayer to establish the date that Dow's ENGAGE elastomer was commercially available. Next, the Office Action cited Thayer for the disclosure of metallocene-based LLDPEs. Then, the Office Action alleged that it would have been obvious for a person of ordinary skill in the art to substitute the elastomer of Peoples with the LLDPE disclosed in Thayer. However, there is a gap missing in the logic applied in the Office Action. Even accepting the Office Action's allegations regarding Thayer as true, there is no suggestion or motivation offered for substituting LLDPE itself with the elastomer of Peoples. The Office Action does state the reasoning that "said metallocene based elastomers are known to have superior properties and are known to be recyclable." But such reasoning has nothing to do with LLDPE, because LLDPE itself is not an elastomer.

Moreover, an elastomer is an essential ingredient in the composition of Peoples. Therefore, it cannot be substituted with a non-elastomeric product without destroying the foundation on which the Peoples invention was based. As a result, there is a lack of suggestion or motivation as well as a reasonable expectation of success in substituting the elastomer of Peoples with LLDPE, as hypothesized in the Office Action.

Accordingly, there's no *prima facie* case of obviousness, and the rejection under 35 U.S.C. § 103 should be withdrawn.

Conclusion

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), remove all rejections, and pass the application to issuance.

Respectfully submitted,

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